

## **PERMIT CHECK LIST**

**The following people have reviewed the permit:**

Reviewing Permitting Engineer: \_\_\_\_\_

Air Inspector: \_\_\_\_\_

Air Compliance Manager: \_\_\_\_\_

Date: April 17, 2008

Source Name: Bank of America Registration No: 60597 Id. No.: 51-710-00168

Source Location: One Commercial Place, Norfolk VA

Mail Address: One Commercial Place, Norfolk, VA 23510

Source Status: \_\_\_\_\_ Greenfield ☒ Currently operating

Source Classification: \_\_\_\_\_ Minor ☒ SynMinor \_\_\_\_\_ State Major \_\_\_\_\_ PSD Major \_\_\_\_\_ TV Major

Permit Action: Incorporating previously installed emergency generators that were never permitted to an existing permit under common control.

### **Permit Action Program:**

\_\_\_\_\_ NSR ☒ SOP \_\_\_\_\_ TV \_\_\_\_\_ Maj HAP

### **Permit Action Type:**

\_\_\_\_\_ New / Article 6 Modification (delete one) ☒ Significant Amendment/Modification

\_\_\_\_\_ Minor Amendment/Modification \_\_\_\_\_ Administrative Amendment \_\_\_\_\_ Renewal

\_\_\_\_\_ State Major \_\_\_\_\_ PSD \_\_\_\_\_ Non-Attainment \_\_\_\_\_ General

Y (Y/N) Permit Includes All Emission Units at Source.

Y (Y/N) Permit Allows Source to avoid Title V/MACT/etc.

After this permit, source is: \_\_\_\_\_ Major (A) \_\_\_\_\_ Minor (B) ☒ Synthetic minor (SM)  
(\_\_\_\_\_ SO<sub>2</sub>, NO<sub>x</sub> \_\_\_\_\_ Pollutant)

### **Permit Application Review**

☒ Permit application submitted, or \_\_\_\_\_ Letter Request

Application Received Date: 2/8/08

Application Complete Date: 4/2/08

Permit Deadline Date: 7/1/08

☒ Document Certification Form received

n/a Confidential information with sanitized copy. If yes, which sections:

\_\_\_\_\_ throughputs \_\_\_\_\_ individual pollutants \_\_\_\_\_ flow diagrams \_\_\_\_\_ calculations

\_\_\_\_\_ process descriptions \_\_\_\_\_ other (describe)

*If yes, has claim been accepted by DEQ? (Y/N) - Date of letter: \_\_\_\_\_*

n/a Copy of letter from local official for greenfield, or major modified sources

n/a Copy of letter sent to FLM if applicable. (Comments)

n/a Notification of Affected State(s)

This permit supersedes permit(s) dated April 22, 2002.

### **Regulatory Review**

BACT Determination (check one):

☒ Operational limit of 500 hr/yr for the control of NO<sub>x</sub> meets BACT (Comments)  
, or

\_\_\_\_\_ TV/SOP/BACT not applicable. (Explain) \_\_\_\_\_

Y (Y/N) NSPS/MACT/NESHAPS Applicability: If Y, Subpart(s):

## Regulatory Review (cont.)

     III NSPS  
     MACT  
     NESHAPS

  N   (Y/N) Existing Rules (9 VAC 5 Chapter 40) Applicability: If Y, Rule(s):

Toxic Pollutants (check one):

     Exempt, or      in compliance with 9 VAC 5-60-320, or   ✓   not evaluated (**Reminder: remember to change the regulation to 9 VAC 5-60-220 when doing a SOP for existing sources**).

Modeling (check one):

     Attached (including background monitors), or  
     Copy of approval letter from modeling section,  
  ✓   No modeling required by agency policy (< modeling significance levels, etc.)

Site Suitability:

  ✓   Site suitable from an air pollution standpoint, inspection date   1/30/08  , or no inspection required because           .

  Y   Calculation sheet(s) attached

  N   (Y/N) NSR Netting      Comments (Explain Permit History):

  N   (Y/N) (CAM) Compliance Assurance Monitoring Applicable

Permit includes:      Stack Testing         CEM         VEE by source

## Public Participation

  Y   (Y/N) Public Noticed. If yes, Public Notice Date:

     (Y/N) Public Notice Comments. If yes, number and nature of comments:

     (Y/N) Public Hearing. If yes, Public Hearing Date:

## EPA Review

     (Y/N) EPA Review. If yes, Date proposed permit sent to EPA                                 .

     (Y/N) EPA Comments. If yes, give a brief summary   .

**Comments:** The facility submitted an application for 4 previously installed emergency generators located at Two Commercial Place in Norfolk, VA. Combined, these emergency generators are 2600 kW which is greater than the exemption limit of 1125 kW therefore a permit is required. The Two Commercial Place site is across the street from One Commercial Place, however, both locations are under the same ownership, are connected and have the same SIC code. So, the equipment presented in the application for Two Commercial Place will be incorporated into the existing SOP for One Commercial Place. The standard operational limit of 500 hr/yr will apply and will meet the requirements for BACT on NOx for the 4 generators.

NSPS IIII is found to be applicable for URN-6 and URN-9 based on manufacture dates that are after the April 1, 2006 deadline for owners and operators of non-fire pump engines. The Requirements by Reference condition for NSPS IIII has been altered slightly to allow for the fact that it is currently only federally enforceable. The sulfur content limit of 0.5% remains even though NSPS IIII requires 0.05% until such time as the state adopts this regulation. The facility maintains responsibility for NSPS compliance for the 2 generators, URN-6 and URN-9.

The two fuel storage tanks are exempt per 9 VAC 5-80-1320.B.8.

The facility-wide emission limits have changed as a result of the emergency generator additions, therefore a 30 day public notice period is required.

**Regulatory Review (cont.)**

After the initial review of the draft permit, some minor comments were received from the facility. The 3.0 mmBtu/hr boiler (URN-3) had been replaced previously with a newer model of the same size. This new boiler (URN-11) is exempt per 9 VAC 5-80-1320.B1, but it's emissions will still be included in facility wide calculations to ensure synthetic minor status of the source. An underground storage tank with a 12,000 gallon capacity is also exempt per 9 VAC 5-80-1320.B8.

**Final Recommendation:** Recommend Approval.

Environmental Engineer's Signature: \_\_\_\_\_

Air Permit Manager's Signature: \_\_\_\_\_

April 17, 2008

Mr. Jay Wytiaz  
Director, Support Services  
CBRE/Bank of America  
1 Commercial Place  
Norfolk, VA 23520

Location: Norfolk  
Registration No.: 60597

Dear Mr. Wytiaz:

Attached is a permit to construct and operate a bank office building in accordance with the provisions of the Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution. This permit supersedes your permit dated April 22, 2002.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and/or civil charges. Please read all permit conditions carefully.

In the course of evaluating the application and arriving at a final decision to approve the project, the Department of Environmental Quality (DEQ) deemed the application complete on April 2, 2008 and solicited written public comments by placing a newspaper advertisement in the \_\_\_\_\_ on \_\_\_\_\_. The required comment period, provided by 9 VAC 5-80-1170 D expired on \_\_\_\_].

This permit approval to construct and operate shall not relieve Bank of America of the responsibility to comply with all other local, state, and federal permit regulations.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this case decision notice was mailed or delivered to you. 9 VAC 5-170-200 provides that you may request direct consideration of the decision by the Board if the Director of the DEQ made the decision. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director  
Department of Environmental Quality  
P. O. Box 1105  
Richmond, VA 23218-1105

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

A copy of the results of performance tests required by 40 CFR 60, Subpart IIII shall be sent to:

Associate Director  
Office of Air Enforcement (3AP10)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

If you have any questions concerning this permit, please contact Kelly R. Giles at 757-518-2155.

Sincerely,

Jane A. Workman  
Air Permit Manager

jaw/krg/60597\_002\_08\_SOP\_BankofAmerica

Attachments: Permit  
NSPS, Subpart IIII

cc: Director, OAPP (electronic file submission)  
Manager, Data Analysis (electronic file submission)  
Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III  
Manager/Inspector, Air Compliance

**STATIONARY SOURCE PERMIT TO OPERATE**  
**This permit includes designated equipment subject to**  
**New Source Performance Standards (NSPS).**

This permit supersedes replaces your permit dated April 22, 2002.

In compliance with the Federal Clean Air Act and the Commonwealth of Virginia  
Regulations for the Control and Abatement of Air Pollution,

Bank of America  
One Commercial Place  
Norfolk, Virginia 23510  
Registration No.: 60597

is authorized to operate

bank office buildings

located at

One Commercial Place and Two Commercial Place  
Norfolk, VA

in accordance with the Conditions of this permit.

Approved on

DRAFT.

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Francis L. Daniel

Permit consists of 7 pages.  
Permit Conditions 1 to 19.

## **INTRODUCTION**

1. This permit approval is based on the permit application dated March 4, 2002, including amendment information dated February 7, 2008. Any changes in the permit application specifications or any existing facilities which alter the impact of the facility on air quality may require a permit. Failure to obtain such a permit prior to construction may result in enforcement action.

Words or terms used in this permit shall have meanings as provided in 9 VAC 5-10-10 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution. The regulatory reference or authority for each condition is listed in parentheses () after each condition.

Annual requirements to fulfill legal obligations to maintain current stationary source emissions data will necessitate a prompt response by the permittee to requests by the DEQ or the Board for information to include, as appropriate: process and production data; changes in control equipment; and operating schedules. Such requests for information from the DEQ will either be in writing or by personal contact.

The availability of information submitted to the DEQ or the Board will be governed by applicable provisions of the Freedom of Information Act, §§ 2.2-3700 through 2.2-3714 of the Code of Virginia, § 10.1-1314 (addressing information provided to the Board) of the Code of Virginia, and 9 VAC 5-170-60 of the State Air Pollution Control Board Regulations. Information provided to federal officials is subject to appropriate federal law and regulations governing confidentiality of such information.

## **PROCESS REQUIREMENTS**

2. **Equipment List** – Equipment at this facility consists of the following:

<b>Equipment to be constructed</b>				
<b>Reference No.</b>	<b>Equipment Description</b>	<b>Rated Capacity</b>	<b>Location</b>	<b>Federal Requirements</b>
URN-6	One (1) Diesel Fired Emergency Generator Caterpillar, Model SR-4B (2006)	800 kW	Two Commercial Place	NSPS IIII
URN-7	One (1) Diesel Fired Emergency Generator Caterpillar, Model SR-4 (1986)	800 kW	Two Commercial Place	N/A
URN-8	One (1) Diesel Fired Emergency Generator Caterpillar, Model SR-4 (1986)	800 kW	Two Commercial Place	N/A
URN-9	One (1) Diesel Fired Emergency Generator Caterpillar (Olympian), Model D200 P3 (2006)	200 kW	Two Commercial Place	NSPS IIII

<b>Equipment permitted prior to the date of this permit</b>				
<b>Reference No.</b>	<b>Equipment Description</b>	<b>Rated Capacity</b>	<b>Location</b>	<b>Federal Requirements</b>
URN-1 & URN-2	Two (2) Dual Fuel Cleaver Brooks boilers, Model CB-760-500 (1967)	20.9 mmBtu/hr each	One Commercial Place	N/A
URN-4	One (1) Diesel Fired Emergency Generator, Caterpillar, Model 3406 (1994)	300 kW	One Commercial Place	N/A
URN-5	One (1) Diesel Fired Emergency Generator, Cummings, Model 400F0L44DA (1967)	125 kW	One Commercial Place	N/A

Equipment exempt from permitting				
Reference No.	Equipment Description	Rated Capacity	Location	Federal Requirements
AST-1	One (1) Aboveground Fuel Storage Tank	3,500 gallons	Two Commercial Place	N/A
AST-2	One (1) Aboveground Fuel Storage Tank	250 gallons	Two Commercial Place	N/A
URN-10	One (1) Underground Fuel Storage Tank	12,000 gallons	One Commercial Place	N/A
URN-11	One (1) Dual Fuel Cleaver-Brooks boiler, Model M4S-3000 (2006)	3.0 mmBtu/hr	One Commercial Place	N/A

Equipment removed from permitting				
Reference No.	Equipment Description	Rated Capacity	Location	Federal Requirements
URN-3	One (1) Dual Fuel Cleaver-Brooks boiler, Model CB-4MS-3000 (1994)	3.0 mmBtu/hr	One Commercial Place	N/A

Specifications included in the permit under this Condition are for informational purposes only and do not form enforceable terms or conditions of the permit.  
(9 VAC 5-80-850)

### **OPERATING/EMISSION LIMITATIONS**

3. **Operating Hours** - The diesel fired emergency generator engine sets (URN-4, URN-5, URN-6, URN-7, URN-8 and URN-9) shall not operate more than 500 hours per year, per engine, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.  
(9 VAC 5-80-850 and 9 VAC 5-50-260)
4. **Fuel** - The approved fuels for the boilers (URN-1, URN-2 and URN-11) are distillate oil and natural gas. The approved fuel for the emergency engine generator sets (URN-4, URN-5, URN-6, URN-7, URN-8 and URN-9) is distillate oil. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-850)
5. **Fuel Throughput** - The three boilers (URN-1, URN-2 and URN-11), combined, shall consume no more than 649,000 gallons of distillate oil and 392 million cubic feet of natural gas per year, each calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.  
(9 VAC 5-80-850)
6. **Fuel** - The distillate oil shall meet the specifications below:

DISTILLATE OIL which meets the ASTM D396 specification for numbers 1 or 2 fuel oil.  
(9 VAC 5-80-850)

7. **Fuel Certification** - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:
- The name of the fuel supplier;
  - The date on which the distillate oil was received;
  - The quantity of distillate oil delivered in the shipment;
  - A statement that the distillate oil complies with the American Society for Testing and Materials specifications ASTM D396 for numbers 1 or 2 fuel oil;

Fuel sampling and analysis, independent of that used for certification, as may be periodically required or conducted by DEQ may be used to determine compliance with the fuel specifications stipulated in Condition number 6. Exceedance of these specifications may be considered credible evidence of the exceedance of emission limits.

(9 VAC 5-80-850)

8. **Requirements by Reference** – Diesel engine generator sets URN-6 and URN-9 are subject to 40 CFR 60, Subpart IIII which is federally enforceable only, at this time. Once 40 CFR 60, Subpart IIII has been adopted into the provisions of the Board's Regulations, the following requirement applies: Except where this permit is more restrictive than the applicable requirement, the NSPS equipment as described in Condition 2 shall be operated in compliance with the requirements of 40 CFR 60, Subpart IIII. Note: All applicable requirements of 40 CFR 60, Subpart IIII **are not** specifically listed in this permit. The permittee should refer to the applicable regulation for additional requirements not included in this permit.

(9 VAC 5-80-850, 9 VAC 5-50-400 and 9 VAC 5-50-410)

9. **Facility wide Emission Limits** - Total emissions from the facility shall not exceed the limits specified below:

Particulate Matter (PM)	2.6 tons/yr
PM-10	2.4 tons/yr
Sulfur Dioxide	26.9 tons/yr
Nitrogen Oxides (as NO <sub>2</sub> )	50.3 tons/yr
Carbon Monoxide	24.3 tons/yr
Volatile Organic Compounds	1.9 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers 3, 4, 5, 6, 7, 8, 10 and 11.

(9 VAC 5-80-850 and 9 VAC 5-50-260)

10. **Visible Emission Limit** - Visible emissions from the stacks of boilers (URN-1 and URN-2) and emergency generator engine (URN-5) shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.  
(9 VAC 5-80-850 and 9 VAC 5-50-80)
11. **Visible Emission Limit** - Visible emissions from the stacks of boiler URN-11 and emergency generator engine sets URN-4, URN-6, URN-7, URN-8 and URN-9 shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 30 percent opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.  
(9 VAC 5-80-850 and 9 VAC 5-50-80)

## **RECORDS**

12. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
- Annual hours of operation of each emergency generator, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
  - Annual consumption of natural gas in the boilers (URN-1, URN-2 and URN-11), combined, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
  - Annual consumption of distillate oil in the boilers (URN-1, URN-2 and URN-11), combined, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
  - All fuel supplier certifications.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-850)

## **GENERAL CONDITIONS**

13. **Right of Entry** - The permittee shall allow authorized local, state, and federal representatives, upon the presentation of credentials:
- To enter upon the permittee's premises on which the facility is located or in which any records are required to be kept under the terms and conditions of this permit;

- b. To have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit or the State Air Pollution Control Board Regulations;
- c. To inspect at reasonable times any facility, equipment, or process subject to the terms and conditions of this permit or the State Air Pollution Control Board Regulations; and
- d. To sample or test at reasonable times.

For purposes of this condition, the time for inspection shall be deemed reasonable during regular business hours or whenever the facility is in operation. Nothing contained herein shall make an inspection time unreasonable during an emergency.

(9 VAC 5-170-130 and 9 VAC 5-80-850)

- 14. Notification for Facility or Control Equipment Malfunction** - The permittee shall furnish notification to the Director, Tidewater Regional Office of malfunctions of the affected facility or related air pollution control equipment that may cause excess emissions for more than one hour, by facsimile transmission, telephone, or telegraph. Such notification shall be made as soon as practicable but no later than four daytime business hours after the malfunction is discovered. The permittee shall provide a written statement giving all pertinent facts, including the estimated duration of the breakdown, within two weeks of discovery of the malfunction. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the permittee shall notify the Director, Tidewater Regional Office in writing.

(9 VAC 5-20-180 C and 9 VAC 5-80-850)

- 15. Violation of Ambient Air Quality Standard** - The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.

(9 VAC 5-20-180 I and 9 VAC 5-80-850)

- 16. Maintenance/Operating Procedures** – At all times, including periods of start-up, shutdown and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

(9 VAC 5-50-20 E and 9 VAC 5-80-850)

- 17. Permit Suspension/Revocation** - This permit may be revoked if the permittee:

- a. Knowingly makes material misstatements in the permit application or any amendments to it;
- b. Fails to comply with the terms or conditions of this permit;
- c. Fails to comply with any emission standards applicable to a permitted emissions unit;
- d. Causes emissions from this facility which result in violations of, or interferes with the attainment and maintenance of, any ambient air quality standard;
- e. Fails to operate this facility in conformance with any applicable control strategy, including any emission standards or emission limitations, in the State Implementation Plan in effect at the time that an application for this permit is submitted;

f. Fails to comply with the applicable provisions of Articles 6, 8 and 9 of 9 VAC 5 Chapter 80.  
(9 VAC 5-80-1010)

18. **Change of Ownership** - In the case of a transfer of ownership of a stationary source, the new owner shall abide by any current permit issued to the previous owner. The new owner shall notify the Director, Tidewater Regional Office of the change of ownership within 30 days of the transfer.  
(9 VAC 5-80-940)

19. **Permit Copy** - The permittee shall keep a copy of this permit on the premises of the facility to which it applies.  
(9 VAC 5-80-860 D)

**DRAFT PERMIT APPROVAL FORM**

Department of Environmental Quality  
Tidewater Regional Office  
5636 Southern Blvd.  
Virginia Beach, Virginia 23462

**Instructions:**

The "Draft Permit Approval Form" provides the owner or certified company official an opportunity to accept or suggest appropriate changes to a draft permit. If a signed form is not received within one (1) week of the date of receipt of the draft permit, DEQ will assume that the draft permit is considered acceptable and will proceed with processing the permit. **Please check the applicable statement(s) below after thoroughly reviewing the draft permit. Forms may be returned by facsimile to 757-518-2009, Attention: Ms. Kelly R. Giles or Ms. Jane A. Workman.**

\_\_\_\_\_ The owner or certified company official agrees with the conditions of the draft permit dated \_\_\_\_\_ . Please proceed to issue the permit with no change.

\_\_\_\_\_ The owner or certified company official finds condition number(s) \_\_\_\_\_ of the draft permit dated \_\_\_\_\_ unacceptable.

\_\_\_\_\_ The suggested changes are attached for your consideration.

\_\_\_\_\_ The owner or certified company official requests further discussion with DEQ regarding the above referenced condition(s).

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Facility: \_\_\_\_\_

Date: \_\_\_\_\_

